

Dry Net Snares U. S. Attorney's Chicago Office

Investigators Implicate Politicians, Lawyers, Brewers and Bootleggers in Sweeping Report on Traffic

Personal Blame Not Fixed

Clinlin Charges Upheld; Special Attorney Urged to Fix Responsibility

CHICAGO, Oct. 20.—Charges preferred by Colonel John V. Clinlin, former Assistant United States District Attorney, against the conduct of District Attorney Charles F. Clyne's office and striking at various politicians, political lawyers, brewers and bootleggers of high and low degree, are found by the Tolman-Montgomery report to be "well founded" as regards "general conditions." The appointment of a special prosecutor to clear up the situation is urged.

The report, made public to-day, was prepared by Colonel Edgar B. Tolman and John R. Montgomery, two special assistant Attorneys General, following a thorough investigation conducted by Assistant G. Clabaugh, former head of the Bureau of Investigation of the Department of Justice, and by the Tolman-Montgomery report to be "well founded" as regards "general conditions." The appointment of a special prosecutor to clear up the situation is urged.

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Too Many No-Bill Cases
Open court proceedings to clean up the woefully lagging docket and to remove certain cases pending and alleged to have been "fixed," far, and the appointment of a special prosecutor, the report says, will settle the question of personal responsibility and remove the "fixed" cases from the docket.

The substance of Mr. Clinlin's charges, made in his petition filed before Judge Carpenter, follow:

1. That there were too many no bills found in liquor cases where evidence was sufficient for prosecution.

2. That cases were nolle prossed and dismissed when they should have been prosecuted.

3. That violations of law were reported but not presented to the grand jury.

4. That since the passage of the Volstead act there had been systematic and protected traffic in liquor.

5. That certain lawyers had received advance information concerning cases in which they were not attorneys of record and had also received unusual fees for the disposition of these cases without the knowledge of attorneys of record.

The findings of Attorneys Tolman and Montgomery are:

1. The charges implied in the Clinlin petition are not specifically directed by name against any individual. Viewed as a statement of general conditions we find them to be well founded.

2. This finding is not to be understood as dealing with the question of personal responsibility for the conduct of cases disclosed by the examination and report. We have concluded that we ought not to express an opinion on that subject for the following reasons:

Special Prosecutor Advised
"First—The investigation would necessarily be greatly extended before a final judgment on that subject could be safely formed.

"Second—Even if we reached a conclusion as to the subject of individual responsibility, we might be mistaken in the publication of our views might do irreparable injustice.

"Third—There is a method of procedure for the determination of such questions and it is stated in our recommendations."

In respect to findings regarding charges of inefficiency in conduct of the District Attorney's department of Chicago, contained in another part of the Tolman-Montgomery report, the following recommendations are made:

"1.—We recommend the appointment of a special prosecutor to bring to trial certain pending cases, the development of which may reveal the source of personal responsibility for these conditions.

"2.—We condemn the system and supervision of law enforcement in the District Attorney's office as inefficient."

In the sense that the report fails to lay responsibility for the failures in law enforcement and the failures of investigators failed to pursue their investigations to this conclusion, it is a disappointment.

The recommendations made by Messrs. Tolman and Montgomery conclude:

"There is no remedy for lawlessness at all comparable to a prompt and energetic prosecution of those who are accused of crime. We therefore recommend:

"1. That there be appointed a special prosecutor of recognized ability and independence, who would press to trial promptly certain of the pending cases and complaints which we would designate. These regular court proceedings would, we believe, bring out the facts more fully and accurately than any grand jury investigation or hearing in open court based on the Clinlin petition. If this course were adopted and such prosecutor were given a free hand and full support, we believe that would result in such disclosures as would settle in large measure the question of personal responsibility.

Would Make U. S. Attorney Liable
"2. We approve the recommendation of the examiners for a thorough reorganization of the office and their suggestions as to the adoption of more efficient and complete methods of the preparation of cases and of the keeping of records and files.

"3. We recommend that the United States Attorney be held responsible for the selection of his assistants and for their subsequent official conduct.

"4. There can be no real enforcement of the laws of the United States unless the officers of the United States Attorney be entirely freed from the possibility of political control. If he is under obligations to any political faction or leader, those who are in rebellion against law will find some way to secure immunity from punishment. Every law of the United States could be enforced to-day if politics could be divorced from law enforcement."

German Lines to Drop Norfolk Under Dry Rule

NORFOLK, Va., Oct. 19.—Loss to Hampton Roads for fuel if they are unable to carry liquor are all German passenger carriers, the Kosmos Line, the Australian Line and the Roland Line of Bremen. Their intention not to send their vessels here if the ruling is enforced was indicated in cablegrams received from their offices at Valparaiso, Chile, by J. R. Routten, manager of the Norfolk office of the Chesapeake and Ohio Coal and Coke Company, local agent.

"These three lines, which operate passenger vessels between Germany and the Pacific via the Panama Canal," Mr. Routten declared, "have cabled me for exact information regarding the status of the prohibition ruling. If it is the intention of the United States government to remove the stocks of liquor when they come into Hampton Roads, they have cabled me, the ships now on the west coast of Central America and due at Hampton Roads to putter during November will take what fuel they need at Panama and proceed direct from there to Germany."

The three German lines represented here by Mr. Routten have for the last two years more sent their ships into Hampton Roads for fuel when home-bound from the Far East and the west coast of South America. That action similar to that of the Germans will be taken by other lines, is forecast in shipping circles.

City Expense To Aid Flynn Is \$900,000

(Continued from page one)

cause they did not vote as they ought to.

"The cry of 'the interests' is no answer to the deliberate failure to adopt any measure of protection to the city against over \$1,000,000 of claims against it for the negligent operation of these lines. It is no answer to the insurance game as practiced."

"However that may be, we shall go straight forward with this inquiry, no matter who is hit; with the object always in view of bringing out facts that will enable this commission to recommend a way of establishing a real, safe, legal, non-political system of bus transportation."

"Quite right," Chairman McAneny, "the time is not of our choosing."

Leindorf, who paid Commissioner Flynn \$2,500 a month for four months, despite the fact that his business was not warrant such a rental, is a stout man of about thirty-five or forty, with black hair and eyes. He testified that he put twenty busses on the Concourse line, nine of them brand new, of the double-decked type. He said he bought them in St. Louis. He told how he had offered to turn over to the Police Department a number of busses, a lot of his trucks for riot service, and that soon thereafter he became the head of the Emergency Motor Truck Service in the Police Department.

He said that in the month of March, 1921, he had moved from Harlem to the Bronx, to 1460 Grand Concourse, between 172d and 173d streets.

Promoted Bus Line
The idea of a bus service on the Concourse took possession of him, and he promoted the idea with the Board of Aldermen. He said he had a lot of trucks for riot service, and that soon thereafter he became the head of the Emergency Motor Truck Service in the Police Department.

He said that in the month of March, 1921, he had moved from Harlem to the Bronx, to 1460 Grand Concourse, between 172d and 173d streets.

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keep for him? A.—We keep what they call a daily record of the policies.

Sinnott Testifies
Mr. Sinnott testified that since August 1, 1922, he had issued permits for busses, with total premiums of \$10,660.70.

Samuel Shokin, a former bus driver, told of how he had come to Manhattan from Staten Island, then Flushing, and ran on various lines until March last, when he was "knocked off." He said he was dropped because he had not voted last fall. He got back on the line through the aid of Senator Bernard Downing and a friendly alderman.

He said that while he had a permit, he had twenty-eight or thirty, and cleaned up \$10 a day.

Samuel Rothkern, a Hungarian, with his first papers only—A.—He went into business as a bus operator in New York bought a sixteen-passenger bus for \$3,200 and tried his fortune first at Staten Island, then Flushing and finally on the Eighth Street cross-town line in Manhattan. He said that "the orders from headquarters" were that all who had voted the previous fall were to be fired.

The king of the bus men apparently was Hyman J. Hagier, who testified that he had been making money for years on the bus line. He said he had a permit for a bus, and when Mayor Hylan started his bus lines he was prevailed upon by his friends to try his luck here. He dashed the other bus men by driving to De la Moine Street station with a thirty-seat cross seater, costing him \$8,000. He said that he made money with it in Fourteenth Street, and then he went to Eighty-sixth Street, where profits were still better. All went well until one day his bus hit a trolley, and then he was laid off pending an investigation.

He had a hard time to get a hearing at Commissioner Whalen's office, and worked through Benjamin Gottlieb, captain of the 7th Election District of the 4th Assembly District, in order to get to Mr. Hylan's office. He said he got next to Eddie Ahearn, head of the Ahearn Club, Tammany, and as there he was twenty votes in his immediate family and connections he got back on the line, and incidentally voted for Hylan last fall.

Abram Perlmuter was the next witness, and a good one. He said he had a permit for a bus, and brought along with him a fleet of fifteen busses, which he and his brothers had bought at war prices—about \$3,000 apiece. He took in \$200 or \$300 a day from the start, he said. Then along came an order from Commissioner Whalen that every one must get bigger busses or get out of the business. Perlmuter rose to the occasion and bought an eighteen-passenger bus.

But Whalen kept putting on more busses and business fell off, Perlmuter said, so that he could not make his pay. He tried Church Street, then in Brooklyn a time, but it was "frost." Then he said he heard that he could get a good line by the payment of from \$100 to \$300 to some one higher up, but he did not do business.

"Money Like Boomerang"
"The money went around like a boomerang—it never went direct," said Perlmuter, in answer to Mr. Shearn's question as to who got it.

The witness told of petty graft forced upon the bus men at the stations, whereby they were compelled to pay for cleaning the busses, which needed no cleaning, he said. He enlisted the aid of Alderman Joseph Sullivan, he said, to get him back on the Ninety-sixth Street line, and Sullivan was chairman of the committee to clean up the bus lines.

He said he was back on the line, and the last Sullivan told him that by paying \$100 in cash he could get him fixed.

When Mr. Perlmuter said something about the payment of money Judge Shearn became interested, and this followed:

Q.—You refer to your brother being laid off the Eighty-sixth Street line; he was laid off, was he? A.—Yes, sir.

Q.—Did he try to get back on the Eighty-sixth Street line? A.—Very hard.

Q.—When you say "pay as the others did," did your brother refuse to pay or was too much money asked, or what was the reason? A.—He didn't refuse to pay. There was no fixed or set prices.

Q.—What was the prevailing price? A.—It went into hundreds.

Q.—How many hundreds? A.—Well, from one hundred to five hundred.

Q.—What was the club that you referred to a moment ago? A.—Some Democratic club in Sixty-fourth Street, I think. I don't remember the name of the leader there.

Employees of Club Members
Q.—The men that cleaned out the busses at Eighty-sixth and Ninety-sixth Street line, were they employees of this man, the member of this club? A.—Yes.

In order to get going again Perlmuter said he gave the second Joseph Sullivan, who was chairman of the committee to clean up the bus lines, and went to work for him as a chauffeur, paying Sullivan a salary meanwhile of \$40 a week, "with meals and smokes deducted."

Q.—Do you know some men named Teitler? A.—Yes, sir.

Q.—What are their full names? A.—There are two brothers, Irving and David.

Q.—Irving and David Teitler? A.—Yes, sir.

Q.—Did they operate busses? A.—They did.

Q.—Were they laid off from operation? A.—Why, they were promised a good line by paying a certain sum.

Q.—What was the sum? A.—I can't tell you just how much. I know it was in the hundreds.

Q.—Did either of them make a payment for the line? A.—Yes, sir.

Q.—And do you know whom they paid it to? A.—No, sir.

Q.—Did he get the line after he made the payment? A.—No, sir. He got shanghaied to Staten Island.

Q.—They didn't make any money on Staten Island, did they? A.—Staten Island was the last place in God's creation that anybody wanted to operate.

James Hayes, of 602 Seventeenth Street, Brooklyn, was the last witness yesterday. He had been operating in Madison Street and makes \$10 to \$17 in each of two shifts. He said that he first insured with Fox & Fox, paying \$600 a year. Then he got into the Sinnott & Canty, who charge \$50 more than the others. Hayes said that he belonged to the 7th District Democratic Club.

Disclosed as Revue Backer
George Jean Nathan, "Financed" "A Fantastic Fricasse"

George Jean Nathan, along with the rest of the public, is informed by the advertisement for "A Fantastic Fricasse" in this morning's papers that he is financing the revue at the Greenwich Village Theater. The management contends that the first tip as to the identity of the show's backer was obtained from Mr. Nathan's own remarks in the surrealist issue of "The Smart Set," but doubts whether the critic realized the magnitude of his responsibilities when he made this statement.

"I lost a fifty-cent piece in front of the Brevoort last spring and never saw it again. Now I know that Mrs. Marguerite Abbott Barker found it and produced 'A Fantastic Fricasse' with it."

Q.—What records do you have to show that?

Q.—How does Sinnott & Canty place the insurance with the World Mutual? A.—It is placed through our account with the World Mutual, due to the fact that Mr. Sinnott does not have an office or any facilities for handling the business. We handle the business for him. He is an independent broker, the same as with any brokerage business, on a fifty-fifty basis.

Q.—What is the basis of your dividing fifty-fifty with him if he does all the canvassing? A.—By taking care, does not pay him anything on time, we take care of them and finance them for Mr. Grein.

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Yellowley Can't Head Dry Force In This State

California Residence Bars Intrepid Enforcement Officer From Post as Big Shake - Up Is Planned

Native Must Be Named Cause Is Not Known

Washington Decides on Clean Sweep for Virtually All Save Appleby's General Agents

Although a complete reorganization and tightening up of the New York state prohibition laws was announced yesterday, bootleggers and their customers should breathe easier to-day when they learn that E. C. Yellowley will not be permanent prohibition director. Yellowley, who in times past has been head of all general prohibition agents and who goes where he is sent by Commissioner Roy A. Haynes, has the reputation of being the most drastic enforcer of prohibition in the employ of the government.

A permanent director other than Mr. Yellowley must be appointed, it was explained yesterday, and he must be a native of New York State. Yellowley cannot qualify under the civil service, since he is permanently appointed to the office of the chief general agent, with headquarters in Washington. He is a resident of California.

Over the protest of the New York City Republican organization, it was learned yesterday, it had been decided in Washington to send Mr. Yellowley here with instructions to make a drastic reorganization of the enforcement office and to remove it as far as possible from politics.

This means that a majority of the local staff of agents and some of the officials are already slated to be dropped. John S. Parsons, chief state agent, whose office is next in importance to that of director, has resigned and will leave by November 1.

The reorganization of the New York prohibition roster were laid at a conference in Washington, attended, among others, by Commissioner Haynes, Senator Wadsworth, William Ward, chairman of the Republican State Executive Committee, and Mr. Yellowley.

It was decided, according to the report yesterday, to make practically a clean sweep, except for the general agents under Zone Chief Appleby, who are expected to remain and keep his staff of agents.

Another incumbent who is expected to keep his place is L. A. Reeves, chief assistant to Mr. Day. He probably will remain in his position, but with whom he has worked before, Agents and others, it is understood, are to be appointed in future by Mr. Yellowley or his successor. A few agents, in names, will be retained, noted and made general agents or will have the status of general agents on probation. The director's office will be separated from the enforcement office, thereby preventing so far as possible any political interference.

It is the intention to appoint to positions in the New York department men with years of experience as revenue agents. The enforcement force will be under the direct charge of G. J. Simons, former division chief of the Washington district, which includes Maryland and parts of Virginia and West Virginia.

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